

House of Representatives

File No. 1015

General Assembly

January Session, 2019

(Reprint of File No. 754)

Substitute House Bill No. 7160 As Amended by House Amendment Schedule "A"

Approved by the Legislative Commissioner May 30, 2019

AN ACT INCREASING VOTER ACCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 9-19j of the general statutes is repealed and the
- 2 following is substituted in lieu thereof (*Effective from passage*):
- 3 (a) As used in this subsection and subsections (b) to (i), inclusive, of
- 4 this section, "election day" means the day on which a regular election,
- 5 as defined in section 9-1, is held.
- 6 (b) Notwithstanding the provisions of this chapter, a person who (1)
- 7 is (A) not an elector, or (B) an elector registered in a municipality who
- 8 wishes to change his or her registration to another municipality
- 9 pursuant to the provisions of subdivision (2) of subsection (e) of this
- section, and (2) meets the eligibility requirements under subsection (a)
- of section 9-12, may apply for admission as an elector on election day
- 12 pursuant to the provisions of subsections (a) to (i), inclusive, of this
- 13 section.
- 14 (c) (1) (A) The registrars of voters shall designate a location for the

completion and processing of election day registration applications on election day, provided (i) the registrars of voters shall have access to the state-wide centralized voter registration system from such location, and (ii) such location shall be certified in writing to the Secretary of the State not later than thirty-one days before election day. The written certification required pursuant to subparagraph (A)(ii) of this subdivision shall (I) include the name, street address and relevant contact information associated with such location, (II) list the name and address of each election official appointed to serve at such location, and (III) provide a description of the design of such location and a plan for effective completion and processing of such applications. Upon review of such written certification, the Secretary may require the registrars of voters to appoint one or more additional election officials or to alter such design or plan.

(B) The registrars of voters may apply to the Secretary of the State, in a form and manner prescribed by the Secretary, to designate any additional location for the completion and processing of election day registration applications on election day, provided the registrars of voters shall so apply not later than ninety days before election day. The Secretary shall make a decision on any such application not later than thirty days after its receipt. Upon approval of any such application by the Secretary, the registrars of voters may so designate any such additional location. The provisions of subparagraph (A) of this subdivision shall apply to any such additional location designated pursuant to this subparagraph.

- (2) The registrars of voters may [appoint one or more election officials to serve at such location and may delegate to such election officials] delegate to each election official appointed pursuant to subdivision (1) of this subsection, any of the responsibilities assigned to the registrars of voters. The registrars of voters shall supervise each such election [officials] official and train each such election [officials] official to be an election day registration election [officials] official.
- 47 (d) Any person applying to register on election day under the

provisions of subsections (a) to (i), inclusive, of this section shall make application in accordance with the provisions of section 9-20, provided (1) on election day, the applicant shall appear in person at the location designated by the registrars of voters for election day registration, (2) an applicant who is a student enrolled at an institution of higher education may submit a current photo identification card issued by [said] such institution in lieu of the identification required by section 9-20, and (3) the applicant shall declare under oath that the applicant has not previously voted in the election. If the information that the applicant is required to provide under section 9-20 and subsections (a) to (i), inclusive, of this section does not include proof of the applicant's residential address, the applicant shall also submit identification that shows the applicant's bona fide residence address, including, but not limited to, a learner's permit issued under section 14-36 or a utility bill that has the applicant's name and current address and that has a due date that is not later than thirty days after the election or, in the case of a student enrolled at an institution of higher education, a registration or fee statement from such institution that has the applicant's name and current address.

- (e) If the registrars of voters determine that an applicant satisfies the application requirements set forth in subsection (d) of this section, the registrars of voters shall check the state-wide centralized voter registration system before admitting such applicant as an elector. (1) If the registrars of voters determine that the applicant is not already an elector, the registrars of voters shall admit the applicant as an elector and the privileges of an elector shall attach immediately.
- (2) If the registrars of voters determine that such applicant is an elector in another municipality and such applicant states that he or she wants to change the municipality in which the applicant is an elector, notwithstanding the provisions of section 9-21, the registrars of voters of the municipality in which such elector now seeks to register shall immediately notify the registrars of voters in such other municipality that such elector is changing the municipality in which the applicant is an elector. The registrars of voters in such other municipality shall

notify the election officials in such municipality to remove such elector from the official voter list of such municipality. Such election officials shall cross through the elector's name on such official voter list and mark "off" next to such elector's name on such official voter list.

- (A) If it is reported that such applicant already voted in such other municipality, the registrars of voters of such other municipality shall immediately notify the registrars of voters of the municipality in which such elector now seeks to register. In such event, such elector shall not receive an election day registration ballot from the registrars of voters of the municipality in which such elector now seeks to register. For any such elector, the election day registration process shall cease in the municipality in which such elector now seeks to register and such matter shall be reviewed by the registrars of voters in the municipality in which such elector now seeks to register. After completion of such review, if a resolution of the matter [can not] cannot be made, such matter shall be reported to the State Elections Enforcement Commission which shall conduct an investigation of the matter.
- (B) If there is no such report that such applicant already voted in the other municipality, the registrars of voters of the municipality in which the applicant seeks to register shall admit the applicant as an elector and the privileges of an elector shall attach immediately.
- (f) If the applicant is admitted as an elector, the registrars of voters shall provide the elector with an election day registration ballot and election day registration envelope and shall make a record of such issuance. The elector shall complete an affirmation imprinted upon the back of the envelope for an election day registration ballot and shall declare under oath that the applicant has not previously voted in the election. The affirmation shall be in the form substantially as follows and signed by the voter:
- 111 AFFIRMATION: I, the undersigned, do hereby state, under penalty 112 of false statement, (perjury) that:
- 1. I am the person admitted here as an elector in the town indicated.

2. I am eligible to vote in the election indicated for today in the town indicated.

- 3. The information on my voter registration card is correct and complete.
- 4. I reside at the address that I have given to the registrars of voters.
- 5. If previously registered at another location, I have provided such address to the registrars of voters and hereby request cancellation of such prior registration.
- 6. I have not voted in person or by absentee ballot and I will not vote otherwise than by this ballot at this election.
- 7. I completed an application for an election day registration ballot and received an election day registration ballot.
- 126 (Signature of voter)
 - (g) The elector shall forthwith mark the election day registration ballot in the presence of the registrars of voters in such a manner that the registrars of voters shall not know how the election day registration ballot is marked. The elector shall place the election day registration ballot in the election day registration ballot envelope provided, and deposit such envelope in a secured election day registration ballot depository receptacle. At the time designated by the registrars of voters and noticed to election officials, the registrars of voters shall transport such receptacle containing the election day registration ballots to the central location or polling place, pursuant to subsection (b) of section 9-147a, where absentee ballots are counted and such election day registration ballots shall be counted by the election officials present at such central location or polling place. A section of the head moderator's return shall show the number of election day registration ballots received from electors. The registrars of voters shall seal a copy of the vote tally for election day registration ballots in a depository envelope with the election day registration

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ballots and store such election day registration depository envelope with the other election results materials. The election day registration depository envelope shall be preserved by the registrars of voters for the period of time required to preserve counted ballots for elections.

- (h) The provisions of the general statutes and regulations concerning procedures relating to the custody, control and counting of absentee ballots shall apply as nearly as possible, to the custody, control and counting of election day registration ballots under subsections (a) to (i), inclusive, of this section.
- (i) (1) After the acceptance of an election day registration, the registrars of voters shall forthwith send a registration confirmation notice to the residential address of each applicant who is admitted as an elector on election day under subsections (a) to (i), inclusive, of this section. Such confirmation shall be sent by first class mail with instructions on the envelope that it be returned if not deliverable at the address shown on the envelope. If a confirmation notice is returned undelivered, the registrars shall forthwith take the necessary action in accordance with section 9-35 or 9-43, as applicable, notwithstanding the May first deadline in section 9-35.
- (2) Not later than five days after a determination of the registrars of voters of any town that the residency of an admitted applicant cannot be verified because a registration confirmation notice for such applicant was returned undelivered to such registrars, as provided in subdivision (1) of this subsection, such registrars shall submit a report of all information resulting in such determination to the State Elections Enforcement Commission which shall conduct an investigation of the matter. Such registrars shall also submit a copy of such report to the Secretary of the State.
- (j) No person shall solicit in behalf of or in opposition to the candidacy of another or himself or herself or in behalf of or in opposition to any question being submitted at the election, or loiter or peddle or offer any advertising matter, ballot or circular to another

person within a radius of seventy-five feet of any outside entrance in use as an entry to [the registrars' of voters designated location] <u>any</u> location designated by the registrars of voters for election day

- registration balloting or in any corridor, passageway or other approach
- leading from any such outside entrance to [such registrars' of voters
- designated] any such location or in any room opening upon any such
- 182 corridor, passageway or approach.

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- Sec. 2. Subsection (b) of section 9-211 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (b) The Governor shall cause writs of election issued pursuant to subsection (a) of this section to be (1) conveyed to a state marshal, who shall forthwith transmit an attested copy thereof to such clerks or assistant clerks, or (2) delivered electronically to such clerks or assistant clerks. Such clerks or assistant clerks, on receiving such writs, shall warn elections to be held on the day appointed therein in the same manner as state elections are warned, which elections shall be organized and conducted as are state elections, and the vote shall be declared, certified, directed, deposited, returned and transmitted in the same manner as at a state election.
- Sec. 3. Subsection (b) of section 9-212 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (b) The Governor shall cause writs of election issued pursuant to subsection (a) of this section to be (1) conveyed to a state marshal, who shall forthwith transmit an attested copy thereof to such clerks or assistant clerks, or (2) delivered electronically to such clerks or assistant clerks. Such clerks or assistant clerks, on receiving such writs, shall warn elections to be held on the day appointed therein in the same manner as state elections are warned, which elections shall be organized and conducted as are state elections, and the vote shall be declared, certified, directed, deposited, returned and transmitted in the

- 208 same manner as at a state election.
- Sec. 4. Subsection (b) of section 9-215 of the general statutes is
- 210 repealed and the following is substituted in lieu thereof (Effective from
- 211 passage):
- 212 (b) When any such vacancy occurs, except as provided in this 213 section, the Governor shall, within ten days after its occurrence, issue 214 writs of election, directed to the town clerks or assistant town clerks in 215 the several towns in the district in which the vacancy exists, ordering 216 an election to be held therein on the forty-sixth day after the issue of 217 such writs to fill such vacancy, and cause them to be (1) conveyed to 218 such town clerks or assistant town clerks, [. No such election shall be 219 held on a Saturday or Sunday] or (2) delivered electronically or by any 220 other means the Governor deems necessary to ensure such writs are 221 received by such town clerks or assistant town clerks on the day such 222 writs are issued, provided no such election shall be held on a Saturday 223 or Sunday. If such a vacancy occurs between the one hundred twenty-224 fifth day and the forty-ninth day before the day of a regular state or 225 municipal election in November of any year, the Governor shall so 226 issue such writs on the forty-sixth day before the day of such regular 227 election, ordering an election to be held on the day of such regular 228 election. If such a vacancy occurs after the forty-ninth day before the 229 day of a regular state election but before the Wednesday following the 230 first Monday of January of the next-succeeding year, the Governor 231 shall not issue such writs and no election shall be held under this 232 section, unless the position vacated is that of member-elect, in which 233 case the Governor shall issue such writs and an election shall be held 234 as provided in this section.
- Sec. 5. Section 9-218 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- When there is no election of probate judge in any district by reason of two or more having an equal and the highest number of votes, or when a new probate district is created and no provision made for the

240 election of a judge thereof, or whenever it is shown to the Governor 241 that a vacancy is about to exist in said office by reason of the 242 resignation of the incumbent to take effect at a future time or by reason 243 of constitutional limitation, or when there is a vacancy in said office, 244 the Governor may issue writs of election directed to the town clerk or 245 clerks or assistant town clerk or clerks within such district [,] ordering 246 an election to be held on a day named therein, other than a Saturday or 247 Sunday, to fill such vacancy or impending vacancy, and (1) transmit 248 the same to a state marshal [. Such state marshal] who shall forthwith 249 transmit them to such clerk or clerks, [who] or (2) deliver electronically 250 the same to such clerk or clerks. Such clerk or clerks, on receiving the 251 same, shall warn elections to be held on the day appointed in such 252 writs, in the same manner as state elections are warned. Such elections 253 shall be organized and conducted, and the vote shall be declared and 254 returns made, certified, directed, deposited and transmitted, in the 255 same manner as at a state election. The Secretary of the State, Treasurer 256 and Comptroller shall, within thirty days after any such election, count 257 and declare the votes so returned, and notice shall be given to the 258 person declared elected, in the same manner as is provided in the 259 election of probate judges at state elections. The Secretary of the State 260 shall enter the returns in tabular form in books kept by [him] the 261 Secretary for that purpose and present a copy of the same, with the 262 name of, and the total number of votes received by, each of the 263 candidates for said office, to the Governor within ten days thereafter. 264 The Probate Court Administrator shall cite a probate judge to act as a 265 judge in the district during any vacancy in said office in accordance 266 with section 45a-120.

Sec. 6. Section 9-19h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Department of Social Services, the Labor Department and the Department of Motor Vehicles shall make voter registration information and materials available to the public. Such information and materials shall be placed in public areas of the offices of such departments. The State Library and the libraries of the state's public

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institutions of higher education shall also make such information and materials available to users of the libraries. The Secretary of the State shall provide such departments, such libraries and any libraries open to the public with suitable nonpartisan literature, materials and voter registration application forms authorized under sections 9-23g and 9-23h. [The secretary shall also provide to the Department of Social Services, the Labor Department and the Department of Motor Vehicles any furniture needed to display such literature, materials and forms.]

(b) (1) In addition to the requirements of subsection (a) of this section, and except as provided in subdivision (2) of this subsection, the Commissioner of Motor Vehicles, not later than January 1, 1994, shall include an application for the admission of an elector with each application form provided for a motor vehicle operator's license and a motor vehicle operator's license renewal, which are issued under subpart (B) of part III of chapter 246, and with each application form provided for an identity card issued under section 1-1h. Such application form for the admission of an elector [(1)] (A) shall be subject to the approval of the Secretary of the State, [(2)] (B) shall not include any provisions for the witnessing of the application, and [(3)] (C) shall contain a statement, except as provided in subdivision (2) of this subsection, that [(A)] (i) specifies each eligibility requirement, [(B)] (ii) contains an attestation that the applicant meets each such requirement, and [(C)] (iii) requires the signature of the applicant under penalty of perjury. The Commissioner of Motor Vehicles shall accept any such completed application for admission which is submitted in person, [or by mail. The] by mail or through an electronic system pursuant to subdivision (2) of this subsection. Except as provided in said subdivision, the applicant shall state on such form, under penalty of perjury, the applicant's name, bona fide residence address, date of birth, whether the applicant is a United States citizen, party enrollment, if any, prior voting address, if registered previously, and that the applicant's privileges as an elector are not forfeited by reason of conviction of a felony. No Social Security number on any such application form for the admission of an elector filed prior to

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308 January 1, 2000, may be disclosed to the public or to any governmental 309 agency. The commissioner shall indicate on each such form the date of 310 receipt of such application to ensure that any eligible applicant is 311 registered to vote in an election if it is received by the Commissioner of 312 Motor Vehicles by the last day for registration to vote in an election. 313 The commissioner shall provide the applicant with an application 314 receipt, on a form approved by the Secretary of the State and on which 315 the commissioner shall record the date that the commissioner received 316 the application, using an official date stamp bearing the words 317 "Department of Motor Vehicles". The commissioner shall provide such 318 receipt whether the application was submitted in person, [or] by mail 319 or through an electronic system pursuant to subdivision (2) of this 320 subsection. The commissioner shall forthwith transmit the application 321 to the registrars of voters of the applicant's town of residence. If a 322 registration application is accepted within five days before the last day 323 for registration to vote in a regular election, the application shall be 324 transmitted to the registrars of voters of the town of voting residence 325 of the applicant not later than five days after the date of acceptance. 326 The procedures in subsections (c), (d), (f) and (g) of section 9-23g 327 which are not inconsistent with the National Voter Registration Act of 328 1993, P.L. 103-31, as amended from time to time, shall apply to 329 applications made under this section. The commissioner is not an 330 admitting official and may not restore, under the provisions of section 331 9-46a, as amended by this act, electoral privileges of persons convicted 332 of a felony.

(2) (A) The Commissioner of Motor Vehicles shall provide an electronic system, subject to the approval of the Secretary of the State, to effectuate the purposes of subdivision (1) of this subsection regarding application for admission of an elector, except that the condition that an applicant state and attest to meeting each eligibility requirement may be waived for any such eligibility requirement verified independently by said commissioner through documentary evidence presented by the applicant or other official records. Such electronic system may provide for the transmittal to the Secretary of an

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342 applicant's signature on file with said commissioner. The use of any 343 such electronic system shall comply with the National Voter 344 Registration Act of 1993, P.L. 103-31, as amended from time to time.

- 345 (B) (i) Unless otherwise provided in this subparagraph, if the Commissioner of Motor Vehicles determines that a person applying 346 for a motor vehicle operator's license, a motor vehicle operator's license 347 348 renewal or an identity card meets each eligibility requirement for 349 admission as an elector, said commissioner shall forthwith transmit an 350 application for such person's admission as an elector to the registrars 351 of voters of such person's residence through an electronic system 352 pursuant to this subdivision, in accordance with the provisions of 353 subdivision (1) of this subsection, except that no such application shall 354 be transmitted if such person declines to apply for such admission.
- 355 (ii) If said commissioner determines that a person applying for a
 356 motor vehicle operator's license, a motor vehicle operator's license
 357 renewal or an identity card is not a United States citizen, said
 358 commissioner shall not provide such person an opportunity to apply
 359 for admission as an elector through an electronic system pursuant to
 360 this subdivision and shall not transmit any application for such
 361 admission on behalf of such person.
- (iii) If said commissioner cannot determine whether a person applying for a motor vehicle operator's license, a motor vehicle operator's license renewal or an identity card is a United States citizen, such person shall attest to his or her United States citizenship as a precondition of said commissioner processing such person's application for admission as an elector through an electronic system pursuant to this subdivision.
- Sec. 7. Section 9-19i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 371 (a) Any change of address form submitted by a person in 372 accordance with law for purposes of a motor vehicle operator's license 373 shall serve as notification of change of address for voter registration for

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the person unless the person states on the form that the change of address is not for voter registration purposes. The Commissioner of Motor Vehicles shall forthwith transmit such change of address information to the registrars of voters of the town of the former address of the person. If the name of the person appears on the registry list of the town, and if the new address is also within such town, the registrars shall enter the name of such elector on the registry list at the place where he then resides. If the name of the person appears on the registry list of the town and if the new address is outside such town, the registrars shall remove the name of such elector from the registry list and send the elector the notice, information and application required by subsection (c) of section 9-35, except that if the Commissioner of Motor Vehicles is using an electronic system pursuant to subsection (b) of this section, the Secretary of the State may prescribe alternative procedures for sending such notice and information and may waive the requirement to send such application.

- (b) The Commissioner of Motor Vehicles shall provide an electronic system, subject to the approval of the Secretary of the State, to effectuate the purposes of subsection (a) of this section regarding notifications of change of address for voter registration. Such electronic system may provide for the transmittal to the Secretary of an applicant's signature on file with said commissioner. The use of any such electronic system shall comply with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time.
- Sec. 8. Section 9-19k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
 - (a) The Secretary of the State shall establish and maintain a system for online voter registration. Such system shall also permit a registered elector to apply for changes to such elector's registration. An applicant may register to vote through this system, provided the applicant's (1) registration information is verifiable in the manner described in subsection (b) of this section, and (2) (A) signature is in a database described in said subsection (b) and such signature may be imported

into such system for online voter registration, or (B) signature has been electronically submitted by the applicant directly to the Secretary in a form and manner prescribed by the Secretary and such signature may be used with such system.

- (b) A state agency, upon the request of the Secretary of the State, shall provide any information to the Secretary that the Secretary deems necessary to maintain the system for online voter registration. The Secretary may cross reference the information input into the system by applicants with data or information contained in any state agency's database or a database administered by the federal government, or any voter registration database of another state, in order to verify the information submitted by applicants. The Secretary shall not use the information obtained from any such database except to verify information submitted by the applicant, provided the applicant's signature, if part of data contained in the state agency's database, shall be included as part of the applicant's information contained in the system for online voter registration.
- (c) The submission of an online application shall contain all of the information that is required for an application under section 9-23h, except that a signature shall be obtained (1) from another state agency's database pursuant to subsection (b) of this section, or (2) electronically from the applicant directly in a form and manner prescribed by the Secretary of the State.
- (d) In order for an applicant's registration or change in registration to be approved, the applicant shall mark the box associated with the following statement included as part of the online application:
- "By clicking on the box below, I swear or affirm all of the following under penalty of perjury:
- 435 (1) I am the person whose name and identifying information is 436 provided on this form, and I desire to register to vote in the State of 437 Connecticut.

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438 (2) All of the information I have provided on this form is true and correct as of the date I am submitting this form.

- (3) If I have not submitted my signature electronically to the Connecticut Secretary of the State, I authorize the Department of Motor Vehicles or any other Connecticut state agency to transmit to the [Connecticut] Secretary of the State or my town's registrars of voters my signature that is on file with such agency, and I understand that such signature will be used by the Secretary of the State or my town's registrars of voters on this online application for admission as an elector as if I had signed this form personally."
- 448 (e) Upon approval of such application, the registrars of voters shall send a notice of approval pursuant to section 9-19b to the applicant.
 - (f) If an applicant registers to vote pursuant to the provisions of this section after the seventh day before an election or after the fifth day before a primary, the privileges of an elector shall not attach until the day after such election or primary, as the case may be. In such event, the registrars of voters may contact such applicant, either by telephone or mail, in order to inform such applicant of the effect of such late received application and any applicable deadline for applying for admission in person.
 - (g) Nothing in this section shall prevent the registrars of voters or any election official appointed by such registrars of voters to admit any applicant as an elector from utilizing the online voter registration system established pursuant to this section for the purpose of admitting such applicant on election day pursuant to section 9-19j, as amended by this act.
- (h) The Secretary of the State shall develop and implement a system through which the Secretary may permit any person to submit an electronic signature for the purpose of signing any form or application to be filed pursuant to chapters 141 to 154, inclusive. The Secretary may include in, or exclude from, such system any such form or application. Notwithstanding any other provision of law, any such

form or application on which any such electronic signature appears shall be deemed to have been signed in the original.

- Sec. 9. Subsection (b) of section 9-23n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- 475 (b) [Voter registration agencies shall] (1) Except as provided in 476 subdivision (2) of this subsection, each voter registration agency shall 477 (A) distribute mail voter registration application forms, [(2)] (B) assist 478 applicants for [such] service or assistance [or services] provided by the 479 agency in completing voter registration application forms, except for 480 applicants who refuse [such] assistance in completing such forms, [(3)] 481 (C) accept completed voter registration application forms and provide 482 each applicant with an application receipt, on which the agency shall 483 record the date that the agency received the application, using an 484 official date stamp bearing the name of the agency, and [(4)] (D) 485 immediately transmit all such applications to the registrars of voters of 486 the town of voting residence of the applicants. The agency shall 487 provide such receipt whether the application was submitted in person, 488 [or] by mail or through an electronic system pursuant to subdivision 489 (2) of this subsection. If a registration application is accepted within 490 five days before the last day for registration to vote in a regular 491 election, the application shall be transmitted to the registrars of voters 492 of the town of voting residence of the applicant not later than five days 493 after the date of acceptance. [The] Except as provided in subdivision 494 (2) of this subsection, the voter registration agency shall indicate on the 495 completed mail voter registration application form, without indicating 496 the identity of the voter registration agency, the date of its acceptance 497 by such agency, to ensure that any eligible applicant is registered to 498 vote in an election if it is received by the registration agency by the last 499 day for registration to vote in an election. If a state-funded program 500 primarily engaged in providing services to persons with disabilities 501 provides services to a person with a disability at the person's home, the 502 agency shall provide such voter registration services at the person's 503 home. The procedures in subsections (c), (d), (f) and (g) of section 9-

504 23g that are not inconsistent with the National Voter Registration Act 505 of 1993, P.L. 103-31, as amended from time to time, shall apply to 506 applications made under this section. Officials and employees of such 507 voter registration agencies are not admitting officials, as defined in 508 section 9-17a, and may not restore, under the provisions of section 509 9-46a, as amended by this act, electoral privileges of persons convicted 510 of a felony.

- (2) Each voter registration agency may use an electronic system, subject to the approval of the Secretary of the State, to effectuate the purposes of subdivision (1) of this subsection regarding applications for voter registration. Such electronic system may provide for the transmittal to the Secretary of an applicant's signature on file with said commissioner. The use of any such electronic system shall comply with the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time.
- 519 Sec. 10. Section 9-230 of the general statutes is repealed and the 520 following is substituted in lieu thereof (*Effective from passage*):

A voter registration agency, as defined in section 9-23n, as amended by this act, shall comply with the National Voter Registration Act of 523 1993, P.L. 103-31, as amended from time to time, and shall (1) distribute with each application for service or assistance provided by the agency, and with each recertification, renewal or change of address form relating to such service or assistance, a mail voter registration 527 application form approved by the Secretary of the State, or (2) provide, during each application for such service or assistance and each 528 529 recertification, renewal or change of address relating thereto, an 530 opportunity to apply for voter registration through an electronic system pursuant to subdivision (2) of subsection (b) of said section, 532 unless the applicant declines to register to vote pursuant to the 533 provisions of the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time. Such declination shall be in writing, except in the case of an application for service or assistance provided 536 by a library, or a recertification, renewal or change of address form

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537 relating to such library service or assistance. Such voter registration

- agency shall provide each applicant to register to vote the same degree
- of assistance with regard to the completion of the registration
- 540 application form as is provided by the agency with regard to the
- 541 completion of its own forms, unless the applicant refuses such
- 542 assistance.
- Sec. 11. Section 9-23p of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective from passage*):
- Each public institution of higher education shall (1) distribute mail
- voter registration application forms, (2) provide opportunities to apply
- 547 <u>for voter registration through an electronic system,</u> and [(2)] (3) assist
- 548 applicants who request assistance in completing such voter
- 549 registration application forms or applying for registration through
- 550 <u>such electronic system.</u>
- Sec. 12. Section 9-46 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective July 1, 2019*):
- 553 (a) A person shall forfeit such person's right to become an elector
- and such person's privileges as an elector upon conviction of a felony
- and: [committal] (1) Committal to the custody of the Commissioner of
- 556 Correction for confinement in a correctional institution or facility [or]
- 557 <u>other than</u> a community residence; [,] (2) committal to confinement in a
- federal correctional institution or facility; [,] or (3) committal to the
- custody of the chief correctional official of any other state or a county
- of any other state for confinement in a correctional institution or
- 561 facility [or] in such state or county other than a community residence
- in such state or county.
- (b) In the case of a person who has forfeited such person's privileges
- as an elector under subsection (a) of this section and has regained such
- privileges, as provided in section 9-46a, as amended by this act, if such
- 566 person subsequently returns to confinement in a correctional
- 567 institution or facility, other than a community residence, from parole
- or special parole, from release pursuant to section 18-100, 18-100c, 18-

569 <u>100e, 18-100h or 18-100i or from furlough pursuant to section 18-101a,</u> 570 such person shall again forfeit such privileges.

- [(b)] (c) No person who has forfeited and not regained such person's privileges as an elector, as provided in section 9-46a, as amended by this act, may be a candidate for or hold public office.
- Sec. 13. Section 9-46a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):
- 576 (a) A person who has been convicted of a felony and committed to 577 confinement in a federal or other state correctional institution or 578 facility [or community residence] shall have such person's electoral 579 privileges restored [upon the payment of all fines in conjunction with 580 the conviction and] once such person has been [discharged] released 581 from confinement, [and, if applicable, parole] except that on and after 582 July 1, 2019, any such person confined in a community residence shall 583 have such person's electoral privileges restored.
 - (b) [Upon] (1) Except as provided in subdivision (2) of this subsection, upon the release from confinement in a correctional institution or facility [or a community residence] of a person who has been convicted of a felony and committed to the custody of the Commissioner of Correction, [and, if applicable, the discharge of such person from parole, (1)] (A) the person shall have the right to become an elector, [(2)] (B) the Commissioner of Correction shall give the person a document certifying that the person has been released from such confinement, [and, if applicable, has been discharged from parole, (3)] (C) if the person was an elector at the time of such felony conviction and, after such release, [and any such discharge,] is residing in the same municipality in which the person resided at the time of such felony conviction, the person's electoral privileges shall be restored, and [(4)] (D) if the person was an elector at the time of such felony conviction and, after such release, [and any such discharge,] is residing in a different municipality or if the person was not an elector at the time of such felony conviction, the person's electoral privileges

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shall be restored or granted upon submitting to an admitting official satisfactory proof of the person's qualifications to be admitted as an elector. The provisions of [subdivisions (1) to (4), inclusive, of this subsection] subparagraphs (A) to (D), inclusive, of this subdivision shall not apply to any person convicted of a felony for a violation of any provision of this title until such person has been discharged from any parole or probation for such felony.

- 608 (2) On and after July 1, 2019, any person confined in a community 609 residence shall have such person's electoral privileges restored.
 - (c) The registrars of voters of the municipality in which a person is admitted as an elector pursuant to subsection (a) or (b) of this section, within thirty days after the date on which such person is admitted, shall notify the registrars of voters of the municipality wherein such person resided at the time of such person's conviction that such person's electoral rights have been so restored.
 - (d) The Commissioner of Correction shall establish procedures to inform those persons who have been convicted of a felony and committed to the custody of said commissioner for confinement in a correctional institution or facility, [or a community residence,] and are eligible to have their electoral privileges restored or granted pursuant to subsection (b) of this section, of the right and procedures to have such privileges restored. [The Office of Adult Probation] <u>Said commissioner</u> shall, within available appropriations, inform such persons who are on [probation on January 1, 2002] <u>parole or special parole</u>, or confined in a community residence on July 1, 2019, of their right to become electors and procedures to have their electoral privileges restored, which shall be in accordance with subsections (b) and (c) of this section.
 - (e) The Commissioner of Correction shall, on or before the fifteenth day of each month, transmit to the Secretary of the State a list of all persons convicted of a felony and committed to the custody of said commissioner who, during the preceding calendar month, have been

released from confinement in a correctional institution or facility. [or a community residence and, if applicable, discharged from parole.] Such lists shall include the names, birth dates and addresses of such persons, with the dates of their convictions and the crimes of which such persons have been convicted. The Secretary [of the State] shall transmit such lists to the registrars of the municipalities in which such convicted persons resided at the time of their convictions and to the registrars of any municipalities where the [secretary] <u>Secretary</u> believes such persons may be electors.

This act shall take effect as follows and shall amend the following sections:					
Section 1	from passage	9-19j			
Sec. 2	from passage	9-211(b)			
Sec. 3	from passage	9-212(b)			
Sec. 4	from passage	9-215(b)			
Sec. 5	from passage	9-218			
Sec. 6	from passage	9-19h			
Sec. 7	from passage	9-19i			
Sec. 8	from passage	9-19k			
Sec. 9	from passage	9-23n(b)			
Sec. 10	from passage	9-230			
Sec. 11	from passage	9-23p			
Sec. 12	July 1, 2019	9-46			
Sec. 13	July 1, 2019	9-46a			

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Secretary of the State	GF - Cost	Up to	Up to 30,000
		152,500	
Various State Agencies	GF - Cost	2,500	None
State Elections Enforcement	GF - Potential	See Below	See Below
Commission	Cost		

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Potential	See Below	See Below
	Cost		

Explanation

Section 1 of the bill allows registrars of voters to apply to the Secretary of the State (SOS) for permission to designate additional Election Day Registration (EDR) locations. To the extent that municipalities need to designate an additional EDR location, there could be potential associated costs, including, but not limited to: providing a polling location, hiring and training additional EDR staff, purchasing additional equipment, and hiring police.

The bill also requires the State Elections Enforcement Commission (SEEC) to conduct an investigation if the registrars of voters cannot verify the residency of an admitted applicant. Dependent on the number of investigations, SEEC may need to hire additional staff.

Sections 2 through 5, which allow the Governor to deliver writs of

election electronically for certain vacancies, have no fiscal impact.

Sections 6 through 11 allows the Department of Motor Vehicles (DMV), voter registration agencies, and requires public higher education institutions to use an SOS approved electronic system when registering qualified voter registration applicants as electors. Such system must comply with the National Voter Registration Act (NVRA) requirements.

Pursuant to a May 16, 2016, memorandum of understanding between the SOS and DMV there is already an established process and timeline for developing an automatic voter registration system. Thus, these provisions have no fiscal impact to DMV.

In order to develop an electronic system, it is anticipated the SOS will have to hire a consultant at a cost of up to \$150,000 in FY 20. The costs would be associated with the consultant modifying the existing online voter registration system to include the ability for applications to sign using a signature pad and to set up signature kiosks at such agencies. A cost of up to \$30,000 is anticipated in FY 21 in order to maintain the software of such application. In addition, each voter registration agency will need a kiosk set up which can accept electronic signatures from applicants at a cost of \$2,500 in FY 20 to each such agency.

The bill also requires SOS to develop and implement a system through which individuals may submit electronic signatures in order to sign elections-related forms and applications, other than those for campaign finance purposes.

It is anticipated SOS will need to purchase software for developing forms that can be electronically signed at a cost of up to \$2,500 in FY 20. It is unclear how the electronic signature will be implemented once developed and potential costs may be incurred in FY 21 for each form signed.

Sections 12 and 13 have no fiscal impact. Specifically, Section 13

eliminates the requirement that all fines related to a felony conviction must be paid as a condition for restoring the elector privileges of certain convicted felons upon release from confinement. As convicted felons are not released from confinement if they owe a fine, but they remain incarcerated and their unpaid fine balance is reduced at a daily rate, this section has no fiscal impact.

House "A" strikes the original bill and its associated fiscal impact, thus becoming the bill with the above referenced fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the cost of maintaining the electronic voter registration system, the number of forms electronically signed, and the establishment of EDR locations, EDR individuals, and staffing levels.

OLR Bill Analysis sHB 7160 (as amended by House "A")*

AN ACT INCREASING VOTER ACCESS.

SUMMARY

This bill makes various unrelated changes affecting elections, including Election Day Registration (EDR), special elections, voter registration, and voting rights for parolees and felons confined in a community residence. Principally, it does the following:

- 1. authorizes registrars of voters to apply to the secretary of state to designate additional EDR locations;
- 2. for certain vacancies, authorizes the governor to deliver writs of election electronically;
- 3. conforms law with practice by requiring the Department of Motor Vehicles (DMV) to use a secretary of the state-approved electronic system that complies with the National Voter Registration Act (NVRA) to automatically transmit voter registration applications to registrars of voters for eligible applicants, unless they opt out;
- 4. authorizes voter registration agencies to use a secretary of the state-approved and NVRA-compliant electronic system to transmit voter registration applications, and requires public higher education institutions to use an electronic system for this purpose;
- 5. requires the secretary of the state to develop and implement a system that individuals may use to submit electronic signatures in order to sign certain elections-related documents;

6. restores the electoral privileges (i.e., voting rights) of convicted felons on parole or special parole or who are confined in a community residence; and

7. eliminates the current requirement that felons forfeit their electoral privileges if they are committed to confinement in an in-state or out-of-state community residence.

The bill also makes several technical and conforming changes.

*House Amendment "A" eliminates provisions (1) requiring specified officials to develop standards for awarding academic credit to high school or college students who volunteer in connection with elections or primaries; (2) designating Election Day as a legal holiday; (3) authorizing individuals who are admitted electors under EDR but whose registrations are not processed until after 8:00 p.m., to vote as long as they are in line by 8:00 p.m.; and (4) lifting the prohibition on holding certain vacancy elections on a weekend.

It also (1) requires, rather than allows, DMV to use an electronic system to transmit voter registration applications and (2) adds the provisions concerning voting rights for parolees and felons who are committed to DOC custody for confinement in a community residence.

EFFECTIVE DATE: Upon passage, except that the provisions on parolees and felons in a community residence are effective July 1, 2019.

§ 1 — ELECTION DAY REGISTRATION

Locations

Existing law requires registrars of voters to designate one location in the municipality for completing and processing EDR applications. The location must be one where registrars can check applicants' eligibility by accessing the statewide centralized voter registration system (CVRS).

The bill requires that the EDR location be certified in writing to the secretary of the state at least 31 days before the election. The

certification must:

1. include the name, street address, and relevant contact information for the EDR location;

- 2. list the name and address of any election official appointed to serve there;
- 3. provide a description of the location's design; and
- 4. provide a plan to effectively complete and process EDR applications.

After reviewing the certification, the secretary of the state may require the registrars of voters to (1) appoint additional election officials or (2) alter the design or plan.

The bill authorizes registrars of voters to apply to the secretary of the state, in a form and manner she prescribes, to designate additional EDR locations. Under the bill, registrars must apply to the secretary at least 90 days before the election, and the secretary must make a decision on the application no later than 30 days after receiving it. Any additional EDR location must (1) have CVRS access and (2) comply with the above certification requirements.

Investigating Unverifiable EDR Registrations

By law, registrars of voters must send a registration confirmation notice to the residential address of each EDR applicant they admit. If the confirmation is returned as undelivered, and the address cannot be verified, registrars must place the elector's name on the inactive list and remove it after four years, unless during this period the elector applies for restoration to the active list or votes.

The bill establishes requirements for investigating EDR applicants whose registrations cannot be verified. Specifically, no later than five days after determining that such an applicant's residency cannot be verified because a registration confirmation notice was returned as

undeliverable, registrars of voters must submit a report to the State Elections Enforcement Commission (SEEC), and SEEC must investigate the matter. The report must contain all the information that resulted in the registrars' determination. Registrars must submit a copy of the report to the secretary of the state.

§§ 2-5 — SPECIAL ELECTIONS FOR CERTAIN VACANCIES

Existing law requires the governor to order a special election to fill a vacancy in certain offices, depending on when the vacancy occurs, by issuing writs of election. For the following offices, the bill gives the governor the option of delivering the writs electronically to the town clerks or assistant town clerks:

- 1. U.S. Senator and senator-elect,
- 2. U.S. Representative and representative-elect,
- 3. member and member-elect of the General Assembly, and
- 4. probate judge.

For the office of member and member-elect of the General Assembly, the bill additionally gives the governor the option of delivering the writs by any other means he deems necessary to ensure that the appropriate town clerks receive them on the day of their issuance.

Current law generally requires the governor to convey the writs of election to a state marshal, who must transmit them to the town clerks or assistant clerks. By law, town clerks must notice special elections upon receiving the writs.

§§ 6-11 — ELECTRONIC SYSTEMS

Electronic System for Registering Voters (§§ 6-11)

By law, the DMV commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal, or identity card application. Similarly, voter registration

agencies must include a voter registration application with each service or assistance application, recertification, renewal, or change of address (see BACKGROUND). Public higher education institutions must distribute mail voter registration application forms.

The bill requires DMV to use a secretary of the state-approved electronic system to automatically submit the voter registration applications for qualified applicants to registrars of voters, unless such applicants opt out. In practice, DMV must already do this pursuant to a memorandum of understanding (MOU) between the agencies (see BACKGROUND). The bill also authorizes voter registration agencies to use a secretary of the state-approved and NVRA-compliant electronic system to transmit voter registration applications to registrars of voters. It requires public higher education institutions to use an electronic system for this purpose but does not specify whether it must be approved by the secretary or NVRA-compliant.

The bill additionally requires DMV to use a secretary of the state-approved electronic system to notify registrars of voters of address changes for voter registration purposes. Under the bill, the electronic system (1) may provide for the transmittal of an applicant's signature, on file with DMV, to the secretary of the state and (2) must comply with NVRA requirements (see BACKGROUND). If DMV uses such a system, the secretary of the state may (1) prescribe alternative procedures for sending required information to electors who are removed from the registry list because they have moved out of town and (2) waive the requirement that registrars send the mail-in voter registration form to these electors.

DMV Procedures. Under the bill, DMV must use a secretary of the state-approved electronic system to transmit voter registration applications and the commissioner may waive the requirement that applicants state and attest to meeting all eligibility criteria, as long as DMV can verify any such criteria independently through documentary evidence presented by the applicant or by other official records. The system may provide for transmittal of applicants' signatures on file

with the DMV commissioner to the secretary of the state.

If the DMV commissioner determines that an applicant for a motor vehicle driver's license or renewal, or for an identity card (i.e., "DMV credential") meets each eligibility requirement for admission as an elector (see BACKGROUND), the commissioner must use an electronic system to forthwith transmit a voter registration application for that individual, unless he or she declines to apply for admission. The application must be transmitted to the registrars of voters in the municipality where the individual resides.

The bill prohibits the commissioner from processing voter registration applications using the electronic system if he determines that an individual applying for a DMV credential is not a U.S. citizen. If the commissioner cannot determine whether an individual applying for a DMV credential is a U.S. citizen, the applicant must attest to his or her citizenship before the commissioner may process the voter registration application through the electronic system.

E-Signature System (§ 8)

The bill requires the secretary of the state to develop and implement a system through which individuals may submit electronic signatures in order to sign elections-related forms and applications, other than those for campaign finance purposes. The bill gives the secretary the discretion to include in the system any form or application. When an individual uses the new e-signature system to sign a form or application, it is deemed to have the original signature.

Under the bill, individuals may use the e-signature system to electronically submit signatures when using the secretary of the state's existing online voter registration system. By law, the online voter registration system permits (1) registered voters to apply to change their registration information or (2) new applicants to apply to register to vote.

§§ 12 & 13 — VOTING RIGHTS FOR INDIVIDUALS CONVICTED OF A FELONY

Forfeiture

The bill makes several changes concerning the forfeiture and restoration of electoral privileges for individuals convicted of a felony. Concerning forfeiture, it eliminates a requirement that such individuals forfeit their electoral privileges if they are committed to Department of Correction (DOC) custody (or a state or county correction department outside Connecticut) for confinement in a community residence.

The bill also specifies that if an individual forfeits his or her electoral privileges and later regains them, he or she must again forfeit the privileges if he or she returns to confinement in a correctional institution or facility from the following:

- 1. parole, special parole, or furlough, or
- work release, release to a community residence, release under a zero-tolerance drug supervision program, home confinement for certain motor vehicle and drug offenses, or release to a community-based nursing home for palliative and end-of-life care.

Restoration

The bill allows convicted felons to regain their electoral privileges upon release from confinement in a correctional institution or facility. It eliminates current law's requirements that such individuals also, as applicable (1) be released from a community residence, (2) be discharged from parole, and (3) pay all felony conviction-related fines. The bill specifies that, on and after July 1, 2019, any convicted felon who forfeited his or her electoral privileges and is confined in a community residence must have his or her electoral privileges restored.

Under the bill, the DOC commissioner must, within available appropriations, inform people who are on parole, special parole, or confined in a community residence as of July 1, 2019, of their right to

become electors and how to have their privileges restored.

BACKGROUND

NVRA

The NVRA (P.L. 103-31) generally requires states to offer eligible citizens the opportunity to register to vote by:

- 1. applying as part of a motor vehicle driver's license application or renewal;
- 2. sending a mail-in application; or
- 3. applying in person at a designated voter registration agency, including offices providing public assistance or services to individuals with disabilities.

The requirements apply to federal elections, but in practice, states, including Connecticut, have extended the procedures to state and local elections.

Voter Registration Agencies

The NVRA requires covered states to designate as voter registration agencies (1) all offices that provide federal or state public assistance, (2) all offices that provide state-funded programs primarily engaged in providing services to individuals with disabilities, and (3) Armed Forces recruitment offices. States must also designate additional voter registration agencies, which may include (1) state or local offices like public libraries or schools, fishing and hunting license bureaus, or unemployment compensation offices or (2) with their agreement, federal or nongovernmental offices (52 USC § 20506).

Among other things, voter registration agencies must (1) distribute the National Mail Voter Registration Form and (2) accept completed voter registration applications and transmit them to the appropriate state election official within a prescribed timeframe.

MOU

Connecticut began implementing an automatic voter registration system pursuant to a May 16, 2016, MOU between the Office of the Secretary of the State and DMV. The MOU established a method, process, and timeline for developing the system, and required that it be fully implemented by August 7, 2018.

Admission as an Elector

By law, an individual is eligible for admission as an elector if he or she is (1) a U.S. citizen, (2) age 18 or older, and (3) a bona fide resident of the municipality in which he or she applies for admission. A 17-year-old who will turn age 18 by the day of the next regular election may apply for admission and, if otherwise qualified, becomes an elector on his or her 18th birthday (CGS § 9-12).

A mentally incompetent individual cannot be admitted as an elector. An individual convicted of a felony and committed to any federal or state prison forfeits his or her electoral rights while incarcerated (CGS § 9-46).

Related Bills

sSB 24, reported favorably by the Government Administration and Elections (GAE) Committee, requires that DMV, voter registration agencies, and public higher education institutions use a secretary of the state-approved electronic system to automatically admit qualified voter registration applicants as electors, unless they decline admission.

sSB 1046, reported favorably by the GAE Committee, requires that municipalities complete and process EDR applications in each polling place.

sSB 1049, reported favorably by the GAE Committee, also requires the secretary of the state to develop and implement a system for individuals submitting electronic signatures to sign certain electionsrelated documents.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 10 Nay 5 (04/01/2019)

Appropriations Committee

Joint Favorable

Yea 29 Nay 15 (05/13/2019)